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The Casablanca Arbitration.

The decision of the Casablanca case between France and Germany marks another stage of progress in arbitral justice. This case arose September 25, 1908, when six foreigners, deserters from the French Foreign Legion in Morocco, who were seeking to get home under the direction of the German Consul, were forcibly taken from the Consul's charge by French soldiers, by whom also the native guards of the German consulate were ill treated.

The incident resulted in feelings of outraged national dignity, and in friction between the State Departments of both countries. But, instead of making war over it, their great leaders, true to the spirit of the Hague Conferences and to modern internationalism, agreed to make it a subject for arbitration, with the understanding that the nation which should be found in the wrong should apologize to the other, a thing which would have been entirely impossible to the France and Germany of a decade ago.

The articles of agreement to arbitrate the dispute were drawn up by Dr. Kriege and Prof. Louis Renault, legal advisers of the two countries, men well-known in connection with the second Hague Conference, with the proceedings and ideals of which they are familiar. Though the case is called an arbitration, the articles of submission provided for methods that are also associated with an International Commission of Inquiry, from which, in some respects, it is difficult to distinguish the tribunal. The tribunal was accordingly empowered not only to find the law and the facts in the case, but to fix responsibility for the wrong done, and was authorized to delegate one or more of its members to go wherever it should be necessary to seek information. Four arbitrators, two appointed by each side, were authorized to choose an umpire; all members of the tribunal were taken from the panel of the Permanent Court of Arbitration. The judges were Dr. Kriege and Mr. Fusinato for Germany, and Professor Renault and Sir Edward Fry for France; the umpire was Knut Hjalma von Harmsmarskjold, a noted diplomatist, formerly Minister of Justice in Sweden.

The decision of the arbitrators, rendered May 22, is given in substance by an Associated Press dispatch as follows:

"While not placing the blame definitely upon either France or Germany, the court censures the representatives of each nation in several particulars. It declares that the secretary of the German consulate at Casablanca wrongfully endeavored to bring about the embarkation on a German steamship of deserters from the French Foreign Legion who were not of German nationality, and adds that the consulate had even no right to protect deserters who were of German nationality, and that the Consul committed an error in signing their safe-conduct.

"Nevertheless," the decision continues, "the German

consular officials were not guilty of an intentional fault.

"The court states that the French military authorities were wrong in not respecting the *de facto* protection exercised by the German consulate. The circumstances did not justify the French soldiers in threatening the consular agents with revolvers, nor in their ill-treatment of the Moroccan troops attached to the German consulate.

"The court concludes with the statement that it is unnecessary to deal with the other claims of the litigants."

The decision meets with the requirements of the agreement, which, as we have seen, directed the arbitrators to ascertain the facts and the law of the case and to fix responsibility for the blame. The advance to be recorded in this connection is similar to that made in the Dogger Bank incident. In that case it will be remembered that Russia and England authorized their commission to fix the blame, a power which later the second Hague Conference, owing to the jealousy of the smaller nations for their sovereignty, refused to put into its articles on international commissions. Germany and France, therefore, stand in the front rank with Great Britain and Russia, all of them great nations, in their willingness to trust their interests to a judicial body, even though the result of its deliberations might be unsatisfactory to them. Taking proper advantage of its authority in this particular, the tribunal on the Casablanca incident speaks plainly of the mistakes made by the representatives of France and Germany in Morocco. It will be observed that the decision, although it criticises the officials, attaches blame to neither nation as a whole. The decision, therefore, though perfectly candid, humiliates neither nation nor gives cause for either to reject the system of arbitration as a means of seeking information and justice. Rather both sides have honored themselves, each other and the world, by letting a tribunal of wise men judge their conduct instead of judging it for themselves by an appeal to the brutish and unreasoning sword.

It is, moreover, a salutary thing that these nations, with their millions of innocent peoples, should not have to suffer because of the indiscretions of their officials, who alone in such questions as the Casablanca incident raised are in error, and whose blame may be easily ascertained without involving loss of life or property. From this point of view the problem of guarding national honor, a thing that some sensitive statesmen hold up as a bar to the practice of arbitration, is considerably simplified. The mistakes of a few individuals should not be allowed to compromise national honor and be the cause of war.

The decision also points out certain rules of law which Consuls may profitably observe in the future. It declares in effect that a Consul has no right, even by so much as signing a safe-conduct, to rescue deserters from the police of a nation from whose military service they wish to escape, and that this law applies even though the deserters

are citizens of the Consul's own country, which, however, in this case some of them were not. Another point made by the decision that is quite in harmony with this rule is, that the *de facto* protection of a consulate must be respected. If a Consul wrongly protects refugees, the nation demanding them must not take them from his custody by force. This implies that there is a better, a legal way to secure them, through peaceful action, diplomatic or otherwise. The further criticism by the court that the French soldiers were in the wrong in mistreating the Moroccan guards of the German consulate is also wholesome. This means that brandishing revolvers at consular officers and their attendants, like the military methods so frequently used in the past, will become less fashionable and heroic in the light of the good sense and the law laid down by the tribunal of The Hague.

Editorial Notes.

The Stockholm
Peace Congress.

The following have been appointed delegates of the American Peace Society to the eighteenth International Peace Congress, which meets at Stockholm August 29 to September 5: Miss S. J. Allen, Moorestown, N. J.; Prof. C. F. Carlbert, Bethany College, Lindsborg, Kas.; Miss Anna B. Eckstein, Boston; Miss Susan W. Janney, Philadelphia; Miss Mabel H. Kingsbury, Woonsocket, R. I.; Miss Mary R. Kingsbury, Woonsocket, R. I.; Edwin D. Mead, Boston; Lucia Ames Mead, Boston; Benjamin F. Trueblood, Boston. The appointment of others is in contemplation as soon as it is known whether they can go. Delegates will also go from other peace societies and organizations interested in the peace movement. It is most important that a very large delegation of workers go from the United States. The Scandinavian workers, who have done a very great service in the advancement of the peace cause, are most anxious that our country be strongly represented. The leaders of the Stockholm Committee on Organization write that while they cannot hope to equal the elaborate hospitality extended by the British government and the London peace workers to the Congress last year, yet they are planning to do their utmost to make the eighteenth International Peace Congress a great success and a most pleasant and agreeable occasion to all the delegates from abroad. They will have the cordial coöperation of the King and the government. Those who have ever enjoyed Scandinavian hospitality know that this pledge means something whole-hearted and particularly delightful. The natural beauties of Sweden also are extraordinarily attractive, and we urge all friends of the cause who are going to Europe this summer, even for rest and pleasure, to make it in their way to be at Stockholm during the days of the

Congress, August 29 to September 5. The special rates for rooms at the hotels are very moderate, and free hospitality in families will be offered to a considerable number of the foreign delegates. The meetings of the Congress will be held in the Palace of the Nobility, as we have heretofore announced. All organizations which expect to be represented should send the names of their delegates at once to the Secretary, Waldemar Langlet, 6 Lästmakaregatan, Stockholm, Sweden.

Berlin
City Fathers
in London.

Late in May a party of the civic authorities of Berlin, including Dr. Martin Kirschner, the chief burgomaster, Dr. Georg Reicke, the burgomaster, and Privy Councillor of Justice Oskar Cassell, went to London to be the guests for a week of the City Corporation. London entertained her visitors with her usual hospitality; there was a procession through the streets in their honor; public dinners were given them, and they were received by King Edward at Buckingham Palace. Nothing was omitted by the King and local officials to show their sincere regard for the German nation and the desire of the British public to maintain the traditional relations of friendship between the two kindred peoples. Speaking of the visit with a correspondent of Reuters' News Agency, Chief Burgomaster Kirschner said:

"It is the deepest and dearest wish of our people that any clouds believed to be existing should be dispersed. Some of the newspaper views of Anglo-German relations I can only describe as fantastic. For instance, take the recent airships, which will surely only frighten unreasonable beings. Three years ago I declared that I knew of no German of common sense who entertained feelings of hostility towards England. I can only repeat the same thing to-day, but with increased emphasis. The attempts to sow discord between us are nothing short of a crime against our common humanity. We are surprised at what we see stated about our naval program. Surely no reasonable person can think this is intended as a menace to Great Britain. Let me again assure you that Germany desires nothing but the closest political and commercial relations with the empire ruled over by the noble uncle of our beloved Emperor."

This declaration of friendship by a distinguished German citizen, an official who, during recent receptions to British delegates in Berlin, has spoken strongly for peace, agrees perfectly with the tenor of all the dispatches which show the state of German national feeling towards England. Only one more thing now can be desired, and this is suggested by the last part of this admirable interview. It is that Germany, as well as Great Britain, should not further enlarge her naval program. Under ordinary circumstances it might be reasonable for Germany to say that she is enlarging her navy simply to protect her expanding commerce, and not as a menace to Great